

STATEMENT OF ECONOMIC IMPACT TO SMALL BUSINESSES

- 1. Name of Board, Committee or Council:** Board of Optometry
- 2. Rulemaking hearing date:** August 25, 2006
- 3. Types of small businesses that will be directly affected by the proposed rules:**
 - (a) Licensed optometrists who are sole proprietors; and
 - (b) Licensed optometrists who have partnered or incorporated with other optometrists or ophthalmologists; and
 - (c) Licensed optometrists or ophthalmologists who employ licensed optometrists; and
 - (d) Commercial entities that enter into leases or other agreements with licensed optometrists
- 4. Types of small businesses that will bear the cost of the proposed rules:**

Licensed optometrists who seek to avoid violating T.C.A. § 63-8-113 (c) (6) by practicing in a location which has a patients' entrance opening directly onto a public street, lobby, corridor, or other public thoroughfare and is not physically connected to a retail store or other commercial establishment where ophthalmic materials are displayed or offered for sale.

- 5. Types of small businesses that will directly benefit from the proposed rules:**
 - (a) Licensed optometrists who are sole proprietors; and
 - (b) Licensed optometrists who have partnered or incorporated with other optometrists or ophthalmologists; and
 - (c) Licensed optometrists or ophthalmologists who employ licensed optometrists; and
- 6. Description of how small business will be adversely impacted by the proposed rules:**

Commercial entities that enter into leases or other agreements with licensed optometrists will be adversely impacted because their ability to impact an optometrist's professional services, judgment and responsibility will be hindered.

- 7. Alternatives to the proposed rule that will accomplish the same objectives but are less burdensome, and why they are not being proposed:**

The Board does not believe there are less burdensome alternatives to the proposed rule amendments. The Board is aware that a patients' entrance which is separate from a lessor's entrance may be a burden, but has no alternative that will comparably protect an optometrist's independent professional services, judgment and responsibility.

8. Comparison of the proposed rule with federal or state counterparts:

The Board is not aware of any specific federal or state counterparts. However, the Board believes the proposed rule amendments are consistent with constitutional, statutory, regulatory and case laws concerning free trade.